

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal Action No. 3:07-cr-00383-JAG

SONJA CARTER,

Defendant.

OPINION

On June 22, 2016, Sonja Carter filed a motion pursuant to 28 U.S.C. § 2255 (the “§ 2255 Motion”) challenging her designation as a career offender under §4B1.2 of the United States Sentencing Guidelines (the “Guidelines”). She based this challenge on the Supreme Court’s decision in *Johnson v. United States*, __ U.S. __, 135 S. Ct. 2551 (2015), which held the residual clause of the similarly-worded Armed Career Criminals Act (the “ACCA”) unconstitutionally vague.

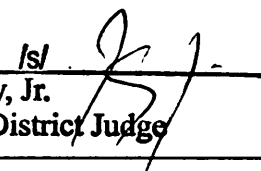
On March 6, 2017, the Supreme Court held that, unlike the ACCA language considered in *Johnson*, the Guidelines are not subject to vagueness challenges. *Beckles v. United States*, 137 S. Ct. 886, 890 (2017). Thus, the vagueness holding in *Johnson* does not apply to the residual clause in §4B1.2 of the Guidelines. *United States v. Lee*, __ F.3d __, No. 15-6099, 2017 WL 1476145, at *2 (4th Cir. Apr. 25, 2017). Consequently, regardless of any procedural or timeliness issues with the § 2255 Motion, it would fail on the merits. *Id.*

For these reasons, the Court GRANTS the government’s motion to dismiss the § 2255 Motion.

The Court will issue an appropriate order.

Let the Clerk send a copy of this Opinion to all counsel of record.

Date: May 1, 2017
Richmond, VA



John A. Gibney, Jr.
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal Action No. 3:07-cr-00383-JAG

SONJA CARTER,

Defendant.

ORDER

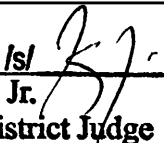
This matter comes before the Court on the government's motion to dismiss. (Dk. No. 60.) For the reasons stated in the accompanying Opinion, the Court GRANTS the motion. Accordingly, the Court DENIES the defendant's motion to vacate, set aside, or correct her sentence pursuant to 28 U.S.C. § 2255. (Dk. No. 54.) The Court DENIES a certificate of appealability.

The Court DISMISSES this action.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: May 1, 2017
Richmond, VA



John A. Gibney, Jr.
United States District Judge